

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, MAY 8, 2008  
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Calvin Chu, Sonja Etienne, Jose Hernandez, Troy Overton, and Susan Ruscigno. Commissioner Karen Parsons was absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Peggy Rollis, Code Enforcement Administrator  
Sandy Bouja, Appeals Hearing Board Secretary  
Luis Arevalo, Code Enforcement  
Garry McLeod, Code Enforcement  
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Ruscigno, seconded by Commissioner Chu, to approve the minutes of April 24, 2008.

3. **Request for Excused Absence**

Karen Parsons, excused absence.

4. **Public Hearings Consent Calendar**

- a. **107 S. Sunset Avenue (481-19-019) Summary Abatement**

(Kerry Smith, Inspector / Aurora Loan Services LLC, Property Owners)

- b. **2350 Elkins Way (676-16-002) Summary Abatement**

(Garry McLeod, Inspector / Juan L. Jr. & Eva M. Pascual, Property Owners)

Item 4c (206 Pinot Court) will be removed from Consent Calendar due to the property owner being present and wishing to speak. There were no separate discussions on hearing items regarding 107 S. Sunset Avenue and 2350 Elkins Way. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Etienne, seconded by Commissioner Hernandez, to order as follows:

To approve the Consent Calendar and to remove item 4c.

AYES: Chu, Etienne, Hernandez, Overton, Ruscigno, Williams

NAYS:

ABSENT: Parsons

**c. 206 Pinot Court (704-41-038) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Alexander Portillo & Rosa M. Arce)

Code Enforcement Inspector Garry McLeod testified that on April 1, 2008, a reinspection of the property was conducted and the west side gate leading to an in ground swimming pool was opened and unable to be secured at the time of inspection. Inspector McLeod presented a photo of the gate at the subject property.

Inspector McLeod stated that he contacted the city contractor to secure the gate with plywood. Inspector McLeod also stated that Vector Control was contacted concerning the blighted swimming pool.

Property owner Rosa Arce and Alexander Portillo were present and testified that when they vacated the property, the gate was latched, but not locked.

There was a motion by Commissioner Williams seconded by Commissioner Etienne, to order as follows:

To uphold the Abatement Order.

AYES: Chu, Etienne, Hernandez, Overton, Ruscigno, Williams

NAYS:

ABSENT: Parsons

**5. Deferred and/or Continued Items**

**a. 654 Willis Avenue (264-22-057) ADMINISTRATIVE REMEDY**

(Luis Arevalo, Inspector / Saul Roberto Flores, Property Owner)

Ms. Elizabeth Flores was present and requested the Board to continue the matter to the next meeting because her brother, Saul Flores, has poison oak. Ms. Flores stated that the report was sent to the wrong address.

Code Enforcement Inspector Luis Arevalo agreed to the continuance.

There was a motion by Commissioner Overton seconded by Commissioner Hernandez, to order as follows:

To continue 654 Willis Avenue; Agenda Item 5a to the next meeting of May 22, 2008.

AYES: Chu, Etienne, Hernandez, Overton, Ruscigno, Williams

NAYS:

ABSENT: Parsons

6. **Public Hearings**
7. **Other Business**
8. **Oral Communication from the Public**
9. **Adjournment**

There was a motion by Commissioner Etienne, seconded by Commissioner Ruscigno to adjourn the meeting. Chair Clark Williams adjourned the meeting at 6:50 p.m. The next regular meeting will be held on Thursday, May 22, 2008 at 6:30 p.m., at the City Hall Council Chambers.